

[COUNSEL LISTED ON SIGNATURE PAGES]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

*[All Four Referenced Cases Are Titled With
The Same First-Named Parties]*

Adaptix, Inc.,

Plaintiff,

v.

ZTE Corporation *et al.*,

Defendants.

*[Filed In Case No. 5:13-cv-01774-PSG
Per Civil L.R. 3-12(b)]*

Case No. 5:15-cv-00165-PSG
Case No. 5:15-cv-00166-PSG
Case No. 5:15-cv-00167-PSG
Case No. 5:15-cv-00168-PSG

**STIPULATION AND
~~PROPOSED~~ ORDER
THAT CASES BE RELATED**

[Civil Local Rule 3-12]

Honorable Paul Singh Grewal
United States Magistrate Judge
Presiding in Case No. 5:13-cv-01774-PSG

STIPULATION

TO THE HONORABLE COURT, AND TO ALL PARTIES AND THEIR COUNSEL:

WHEREAS, the parties to the certain four cases recently transferred to the Northern District of California that are all short-titled *Adaptix, Inc. v. ZTE Corporation et al.* and that currently bear the Case Numbers 5:15-cv-00165-PSG, 5:15-cv-00166-PSG, 5:15-cv-00167-PSG, and 5:15-cv-00168-PSG (collectively, the "Proposed Related Cases") filed a "Joint Administrative Motion To Consider Cases Related" dated January 26, 2015 ("Motion")¹;

¹ At the time the Motion was filed, the Proposed Related Cases bore the Case Numbers 3:15-cv-00165-JSC, 3:15-cv-00166-EDL, 5:15-cv-00167-PSG, and 3:15-cv-00168-JCS, respectively.

1 WHEREAS, it was and remains the intent of the parties that the Proposed Related Cases
 2 should be related to each other and to the following Northern District of California cases that
 3 either were or remain pending before the Honorable Paul Singh Grewal in accordance with the
 4 provisions of Civil Local Rule 3-12: Case Numbers 5:13-cv-01774-PSG (*Adaptix v. Motorola*),
 5 5:13-cv-01776-PSG (*Adaptix v. Cellco*), 5:13-cv-01777-PSG (*Adaptix v. Apple*), 5:13-cv-01778-
 6 PSG (*Adaptix v. AT&T*), 5:13-cv-01844-PSG (*Adaptix v. Cellco*), 5:13-cv-02023-PSG (*Adaptix v.*
 7 *Apple*), 5:14-cv-01259-PSG (*Adaptix v. Dell*), 5:14-cv-01379-PSG (*Adaptix v. Amazon*), 5:14-cv-
 8 01380-PSG (*Adaptix v. Blackberry*), 5:14-cv-01385-PSG (*Adaptix v. Sony*), 5:14-cv-01386-PSG
 9 (*Adaptix v. Blackberry*), 5:14-cv-01387-PSG (*Adaptix v. Blackberry*), 5:14-cv-02359-PSG
 10 (*Adaptix v. HTC*), 5:14-cv-02360-PSG (*Adaptix v. HTC*), 5:14-cv-02894-PSG (*Adaptix v.*
 11 *Kyocera*), 5:14-cv-02895-PSG (*Adaptix v. Kyocera*), and 5:14-cv-03112-PSG (*Adaptix v.*
 12 *ASUSTek*) (collectively, the "Current Related Cases");

13 WHEREAS, counsel for all parties to the Proposed Related Cases have been informed that
 14 the Court is prepared to relate the Proposed Related Cases to each other and to the Current Related
 15 Cases in accordance with Civil Local Rule 3-12, but have been requested to submit a stipulation
 16 that corrects certain aspects of the parties' prior Motion; and

17 WHEREAS the parties hereby confirm their mutual understandings and representations
 18 that: (1) the Proposed Related Cases and the Current Related Cases all involve the same two
 19 patents (U.S. Patent No. 7,454,212 and U.S. Patent No. 6,947,748) asserted by the same plaintiff
 20 (Adaptix, Inc.), although the cases name various different defendants or groupings of defendants
 21 that are accused of alleged infringement of the two prior-mentioned patents in connection with
 22 their respective alleged activities relating to the alleged making, using, offering for sale, and/or
 23 selling of certain mobile communications devices; (2) discovery, motion practice, and hearings in
 24 the Proposed Related Cases and the Current Related Cases are likely to concern many of the same
 25 issues; (3) separate trials are appropriate in each of the Proposed Related Cases, however, for
 26 purposes of pretrial case management, proceeding with separate cases before different Judges
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 28

1 would cause an unduly burdensome duplication of labor and expenses and risk conflicting results²;
2 (4) all parties to the Proposed Related Cases have consented to the Honorable Paul Singh Grewal
3 having jurisdiction over said cases in accordance with the provisions of 28 U.S.C. § 636(c); and
4 (5) the Proposed Related Cases therefore meet the criteria for being related to the Current Related
5 Cases under Civil L.R. 3-12;

6 NOW, THEREFORE, it is hereby stipulated and agreed by the parties to the Proposed
7 Related Cases, through their counsel, that the Proposed Related Cases be related to each other and
8 to the Current Related Cases in accordance with Civil Local Rule 3-12.

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10 IT IS SO STIPULATED.
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22 ² Anticipating upcoming events, counsel for the parties to the Proposed Related Cases note their
23 understanding that the typical procedure upon relating the cases will be for the Court to
24 enter a case management order setting a Case Management Conference ("CMC") and
25 deadlines for related pre-CMC obligations, and, having reviewed in advance their
26 respective schedules, respectfully request that any such CMC be set for a date that is
27 within or after the week of March 9, 2015 to facilitate the ability of the parties to handle
28 their pre-CMC obligations and meaningfully participate in the CMC. The parties further
note that a Joint Motion for Extension of Time to File Case Management Statement was
filed in the -167 case to accommodate the parties request that the CMC for the above-
captioned cases occur within or after the week of March 9, 2015.

1 Dated: February 9, 2015

Respectfully submitted,

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E-FILING ATTESTATION

As the attorney e-filing this document, I attest that all counsel whose electronic signatures appear above have concurred in the filing of this document.

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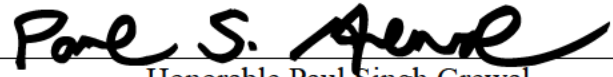
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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: February 10, 2015



Honorable Paul Singh Grewal
United States Magistrate Judge

CERTIFICATE OF SERVICE

I certify that, on February 9, 2015, I caused a copy of the foregoing document to be served via U.S. Mail on the following recipients:

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